

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Jun 09, 2020

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JUSTIN CURTIS WERLE,

Movant,

-vs-

UNITED STATES OF AMERICA,

Respondent.

No. 2:14-CR-0041-WFN

ORDER RE: PENDING MOTION

Before the Court is Movant's Motion to Vacate, Set Aside or Correct Sentence and Motion for Appointment of Counsel. (ECF No. 122). The Motion is submitted by Mr. Werle, who is appearing *pro se* in these proceedings.

In his Motion Mr. Werle seeks appointment of counsel to pursue a § 2255 Motion. The Court previously addressed this exact issue. ECF No. 121. The Court will not revisit its previous decision. The Court has reviewed the file and Movant's Motion and is fully informed. Accordingly,

IT IS ORDERED that Movant's Motion to Vacate, Set Aside or Correct Sentence and Motion for Appointment of Counsel, filed May 20, 2020, **ECF No. 122**, is construed as only a Motion for Appointment of Counsel, and is **DENIED** for the reasons stated in **ECF No. 121**.

The District Court Executive is directed to:

- File this Order,
- Provide copies to counsel **and** *pro se* Movant
- Provide a copy of the Order at ECF No. 121 to Movant;
- Inform the Ninth Circuit Court of Appeals that if the Movant files a Notice of Appeal that a certificate of appealability is **DENIED**; **AND**

- **CLOSE** the corresponding civil file, 2:20-CV-00184-WFN.

DATED this 9th day of June, 2020.



WM. FREMMING NIELSEN
SENIOR UNITED STATES DISTRICT JUDGE

06-05-20